

## **REMARKS**

Reconsideration of the application is respectfully requested.

### **I. Status of the Claims**

Claims 1, 3, 8 and 12-15 have been amended, no new matter is added.

Claim 2 has been cancelled without prejudice or disclaimer of the subject matter therein.

Claims 1 and 3-20 are pending.

### **II. Rejections Under 35 U.S.C. § 103 and 103(a)**

Claims 1-4, 6, 8-10, 12, and 14 are rejected under 35 U.S.C. § 103 (a) as unpatentable over Schultz (US Patent No. 6,625,997) in view of Anderson et al (US Patent No. 2,080,595). Claims 5, 11, 13, and 15 are rejected under 35 U.S.C. § 103(a) as unpatentable over Schultz in view of Anderson and further in view of Higgins (US Patent No. 4,418,615).

Claim 1 has been amended to recite that the sound insulating/flow regulating plate of the present invention is “freely swingably supported by a swing shaft” which is disposed between “the upper air intake holes and the side air intake holes.” The sound insulating/flow regulating plate is designed such that the proportion of air pressures applied to the sound insulating/flow regulating plate by the flow of air introduced from the upper air intake holes of the upper cover and the flow of air introduced from the side air intake holes of the side cover automatically sets the angle of the sound insulating/flow regulating plate to an optimal state to regulate the aforementioned air flows. In other words a balance is achieved between the air pressures applied to the sound insulating/flow regulating plate by air respectively introduced from two locations, i.e., through the air intake holes, smooth, effective air intake is ensured without impairing the flow of cooling air or increasing air pressure loss.

The invention of claim 1 of the present application serves to block sound generated inside the machine body and also regulates the flow of air introduced from the upper air intake holes and the side air intake holes. By regulating air flows by preventing the air introduced from the upper air intake holes of the upper cover and the air introduced from the side air intake holes of the side cover

from directly colliding and generating turbulence, the sound insulating/flow regulating plate is capable of automatically coping with different operating conditions or types of the work machines.

Furthermore the sound insulating/flow regulating plate, which is inclined at such an angle as to attain a balance between wind pressures applied by the flow of air introduced from the upper air intake holes and the flow of air introduced from the side air intake holes, is capable of reducing noises escaping outside the machine by blocking noises that are generated inside the machine body and escape from the front panel of the cooling package.

Schultz describes a heat exchanger unit 16, a cooling fan 14, an upper air intake hole 22, a side air intake hole 20 and a flow directing plate 24 (*see*, Schultz column 3). A control unit 18 controls an angle of the flow regulating plate 24 by controlling the actuator 28 based on the temperature data detected by the temperature sensor 68. (See, Schultz column 3, line 63 to column 4, line 14 and column 5, lines 19-34). However, in contrast to claim 1, Schultz's actuator 28 regulates the movement of the flow regulating plate 24 and achieves a balance between the air pressures applied to the flow regulating plate by air respectively introduced from two locations but does not automatically set the angle of the flow regulating plate 24.

Neither Anderson nor Higgins teach or suggest the elements lacking in Schultz and thus none of three alone or in combination render claim 1 unpatentable. Claims 3-20 depend from claim 1 and are allowable based at least on the above arguments. Applicants respectfully request that the rejections be withdrawn.

**CONCLUSION**

In view of the above amendments and remarks, Applicants believe the pending application and all pending claims are in condition for allowance, and earnestly solicit same.

If the Examiner feels that any remaining issues can be resolved by a Supplemental or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: June 22, 2009

Respectfully submitted,

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